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THE REGISTRATION AND PUBLICATION OF TREATIES AS PRESCRIBED UNDER
ARTICLE 18 OF THE COVENANT OF THE LEAGUE OF NATIONS ¹

*Memorandum approved by the Council of the League of Nations,
May 19, 1920*

1. One of the important innovations in international law established by the Covenant of members of the League of Nations consists in the registration and publication of every treaty or international engagement entered into by any member of the League.

Article 18 of the Covenant of the League of Nations, by which this has been provided for, reads as follows:

Every treaty or international engagement entered into hereafter by any member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

It is hardly necessary to dwell on the importance of an arrangement whereby publicity of treaties and other international engagements—and, as a preliminary thereto, their registration—will be secured.

Publicity has for a long time been considered as a source of moral strength in the administration of national law. It should equally strengthen the laws and engagements which exist *between nations*. It will promote public control. It will awaken public interest. It will remove causes for distrust and conflict. Publicity alone will enable the League of Nations to extend a moral sanction to the contractual obligations of its members. It will, moreover, contribute to the formation of a clear and indisputable system of international law.

Since the satisfactory execution of the principles of Article 18 of the Covenant depends in the first place on the coöperation of the Governments of the members of the League of Nations, the Secretary-General begs to present to the members of the League in the following memorandum some suggestions whereby, in his opinion, the appli-

¹ *Official Journal*, League of Nations, No. 4, pp. 154-157.

cation of Article 18 may best be secured. The arrangements suggested have, of course, only a provisional character. Experience may, in the future, suggest modification and revision.

2. If the application of Article 18 is to conform to the best advantage with the objects of the League of Nations, an extensive interpretation of its provisions should be adopted. The details of its applications have accordingly been worked out with this principle in view.

The aim of the following suggestions is to establish as far as possible a complete and reliable survey of the whole system of treaties and international engagements entered into after the coming into force of the Covenant of the League.

3. The provision that "every treaty or international engagement shall be forthwith registered with the Secretariat" leads to the following conclusions as regards the material which requires registration.

This material comprises not only every formal treaty of whatsoever character and every international convention, but also any other international engagement or act by which nations or their governments intend to establish legal obligations between themselves and another state, nation or government.

Agreements regarding the revision or the prolongation of treaties form separate international engagements; they also should be registered under Article 18.

It is proposed, moreover, that the denunciation of any treaty or agreement should, if only for the sake of completeness, be included in the scheme of registration.

4. Article 18 refers to treaties, etc., entered into "hereafter." It is thereby understood that registration is necessary for *all* treaties, etc., which become, or *have* become finally binding so far as the acts between the parties *inter se* are concerned, after the date of the coming into force of the Covenant (January 10, 1920).

Treaties or engagements which have finally come into force at an earlier date are not included; but the International Secretariat is authorised, if this appear desirable to the contracting parties, to extend the system of treaty registration so as to include treaties and engagements of an earlier date.

5. As no treaties or international engagements will be binding until registration with the International Secretariat has taken place, the latest date at which they should be presented for registration will

be the date when, so far as the acts of the parties *inter se* are concerned, they receive final binding force, and are intended to come into operation. It may prove convenient, however, for various reasons, for the parties to present a treaty or international engagement for registration as soon as the text has been finally decided upon, even if exchange of ratifications between them still has to take place at a later date. The Secretary-General will, of course, have to see that, if a treaty or engagement be published at this stage, it is made clear that the parties have not yet finally entered into the treaty or engagement.

In the event of a treaty or engagement being presented for registration before it is finally entered into, the parties will no doubt inform the Secretariat of the latter act by which they definitely bring the treaty into force.

6. It is suggested as a general principle that the parties presenting a treaty or engagement for registration should do so by depositing a textual and complete copy thereof with all appurtenant declarations, protocols, ratifications, etc., at the Treaty Registration Bureau of the International Secretariat, accompanying it with an authentic statement that this text represents the full contents of the treaty or engagement into which the parties intend to enter.

In case of necessity, the contents of a treaty or engagement can of course be transmitted to the International Secretariat by other means—for instance, by telegram—so long as it is established that the text is indisputably the one agreed upon between the parties.

7. A certificate of registration will be delivered to the parties concerned, under the signature of the Secretary-General of the League of Nations, or of his deputy.

Certificates thus issued will be numbered consecutively.

8. Treaties or international engagements may be presented for registration by one party only, either in the name of all the parties at the same time, or of that party alone, as long as it is established that the text is that which has been agreed upon between the parties.

9. Publication of a treaty or engagement registered with the Secretariat will be secured automatically and as soon as possible, by its inclusion in the treaty part of the *League of Nations Journal*. Copies of this *Journal* will be regularly forwarded to the governments of all states members of the League.

It is intended to give that part of the *Journal* in which the publica-

tion of treaties and engagements is effected a special form, convenient for placing separately in law libraries and in private studies.

The separate index for this treaty part of the *League of Nations Journal* will be published at regular intervals.

10. The Secretary-General of the League proposes to organise his system of registration in the following manner, hoping that it may prove convenient alike to the parties and to all those interested in the contents of treaties and the relevant details.

A register will be kept in chronological order, stating, with regard to each treaty or other engagement or international act, the parties between which it has been concluded, the title (short title if any), the date of signature, ratification and presentation for registration, and finally, the number under which it has been registered.

The actual texts presented to the Secretariat will be kept as an annex to this register, each text being marked *ne varietur* by the Secretary-General or his deputy.

Apart from the chronological register, a second register will be kept which will form to some extent an *état civil* of all treaties and engagements concerned. For every treaty or engagement a special page will be set apart as in a ledger, where all the data concerning it will be noted—including not only the parties' signatures and ratifications, but also later adhesions, denunciations, etc. Notes relative to preparatory matter, discussions, and internal legislation arising out of the treaties, etc., may also be added.

The Secretariat may on occasion be requested to deliver to states, courts of justice or private persons interested, certified extracts from this register, attesting the existence and the status of international treaties and engagements the moment of their coming into force, their ratifications, their denunciations, the reservations entered in respect of them, etc., etc. The Secretary-General intends to make the Treaty Registration Office available for this purpose, but no legal liability for the contents of such extracts can be assumed by the Secretariat.

A general index will be made to the collection of treaties and engagements. It will be arranged in a way convenient for consultation.

11. The treaty registers of the International Secretariat will, moreover, include a special series of those treaties and conventions which, by some special provision or with some special object in view, are placed under the care of the Secretary-General. An instance of such a provision will be found in Article 405 in the Treaty of Versailles,

according to which draft labor conventions will be deposited with the Secretariat. The same applies to labor recommendations.

To these may be added other draft conventions and recommendations which may be made by analogous organisations under the League of Nations.

12. It should be noted that by the provisions of Article 18 not only treaties between members of the League of Nations have to be registered, but also treaties or engagements entered into by a Member of the League with a state which has not yet been admitted into the League.

13. In connection with this last point, it has been suggested that the system of registration of treaties by the Secretariat of the League of Nations should from the beginning be so extended as to admit of the registration of treaties, etc., made by and between states or communities that have not yet been admitted as members of the League of Nations. This would serve to complete the registration of treaties and the public collection of treaties which will be formed by the treaty part of the *League of Nations Journal*. The Secretary-General therefore proposes, although the registration will be for this part absolutely voluntary, to accept applications for the registration of treaties, etc., even if none of the parties is at the time a member of the League of Nations.

The Secretary-General of the League of Nations trusts that experience may show that the system of registration and publication of treaties on the lines suggested in this memorandum will work satisfactorily. He will be glad to receive suggestions for possible modifications of the present scheme.